



## Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact [support@jstor.org](mailto:support@jstor.org).

## SOME DEFECTS OF COMMISSION GOVERNMENT

BY DUNBAR F. CARPENTER,  
Counsellor-at-Law, Colorado Springs, Col.

It is the purpose of this article to discuss some of the points wherein commission government has been a disappointment. If the dark side seems predominant, it is because that is the particular side to which attention is here directed. The obvious benefits of a simplified city government are passed by, not because they do not exist, but because that bright part of the picture is purposely neglected. The discussion will be confined to simply one municipality, the City of Colorado Springs, Colorado. It may be proper to say that the writer of this article is in sympathy with the charter under discussion, and that such adverse criticisms as he may make are based on his observations of the actual working of the mode of government now in force in Colorado Springs.

Two years ago Colorado Springs, a city of 30,000 inhabitants, adopted a charter, under an amendment to the state constitution which allows absolute "home rule." The chief provisions of this charter, now necessary to be set forth, are as follows: 1. The only elective officials are a mayor and four commissioners. They compose the city council, each having one vote. The mayor has no veto, though he prepares the budget, which the council may reduce but not increase. The mayor is the head of the water department, and each of the others has charge of one of the other departments, to wit: Finance, health, public safety, public works. The mayor has the sole power of appointment, upon the recommendation of the head of the appropriate department, after examination and certification by the Civil Service Commission, and the sole power of removal. 2. The mayor and commissioners are elected for a term of four years. Nomination is by petition of twenty-five voters.

The names of candidates are placed on the ballot in alphabetical order, and "nothing on the ballot shall be indicative of the source of the candidacy or of the support of any candidate. . . . No ballot shall have printed thereon any political designation or mark, and there shall not be appended to the name of any candidate any

such party or political designation or mark, or anything indicating his views or opinions.<sup>1</sup>" In other words, merely the name of the candidate is placed on the ballot. The voter places a cross opposite the name of the candidate for whom he wishes to vote. Furthermore, a candidate must accept this nomination, if he desires to have his name appear on the ballot, and at the same time must make affidavit "to the fact that he has not become a candidate as the nominee or representative of or because of any promised support from any political party or any committee or convention representing or acting for any political party."<sup>2</sup> If, at the first or primary election, there are not enough candidates receiving a majority of the vote cast to fill the offices, a second election is held, two weeks later, at which all candidates are dropped except those not exceeding twice the number of the office or offices to be filled who, at the first election, received the highest number of votes less than a majority for such office.

These provisions securing a non-partisan election have been gone into in some detail because of the somewhat unexpected results following upon them. Two municipal elections have been held since the charter went into effect; the first in 1909, and the second in April, 1911. There were elected at the 1909 election a mayor and four councilmen; and at the 1911 election two councilmen to serve for four years, in the place of the two councilmen who received the lowest vote in the 1909 election. At neither primary election did any candidate receive a majority of the vote, so that both times a second election was necessary.

It is pretty clear that the political parties have kept their hands off in these elections. To be sure there has been some attempt to secure the election of a candidate on the ground of his political affiliations; but that this attempt has not been successful is proved by the fact that, though this city is overwhelmingly republican in state and national elections, at the municipal election of 1909 three democrats were elected, the mayor and two councilmen, and at the recent election, the two democratic councilmen, whose terms expired, were re-elected.

One of the results of non-partisan election, thus far apparent, is the reluctance of really first-class men to run for office. At the

<sup>1</sup> Charter, sec. 101.

<sup>2</sup> Charter, sec. 94.

recent election, there were eighteen candidates for the two positions, of whom a majority were absolutely unknown. With one or two exceptions, the candidates in both 1909 and 1911 were men who had not made a great success in business, and who were most assuredly not leaders in the community. The type of candidate is about the same, if anything, not as high, as in the days of party tickets. Without any organization supporting him, a man hesitates to become a candidate. The fight is his, and his alone. The issues in these two campaigns have been so purely personal, that public addresses have not been attempted. The only mode of bringing attention to oneself is either by personal appeal, or through the press.

Therefore, the support of the two newspapers published in the city is eagerly sought. Yet, oddly enough, the newspapers are not as influential with the voters as one would imagine. For instance, in the last campaign, the two papers both supported one man, A, one paper supported B, and the other, C, for the second office, and both united in opposing D. B was elected, receiving the largest vote, D won over A by one vote, and C was left far in the rear. The result of the election in 1909 also showed that newspaper support was not essential.

It would be advisable, in my judgment, to require a petition signed by electors equal in number to at least twenty per cent of the votes cast at the last municipal election to entitle a name to go on the ballot, or to require a cash deposit, to be forfeited if the candidate does not receive a substantial vote. This last plan, though now in effect in one or two cities, has obvious disadvantages. It is important that the names of men who have not the remotest chance of election should not go on the ballot. Not so much because they encumber the ballot—the voters have no difficulty, as experience proves, in weeding out the ridiculous candidates—but because worthy men are deterred from becoming candidates from a not unnatural dislike to having their names appear with the names of men whose candidacies are looked upon as “jokes.” That is, if men allow their names to go before the voters, without any serious thought of election, the ballot loses a good deal in seriousness, becomes a good deal of a farce, and men of standing dislike to become participants in the proceeding. The effect of free and easy nomination is therefore unfortunate. It will not do to await the

elimination of the unknown at the first election. The harm of their candidacies has already been done.

The principal indictment against our charter is its unquestioned failure in inducing first rate men to accept nomination for office. We hoped that non-partisan elections would bring about the selection of able officials. The event has completely disappointed our expectations. It is easy to see now that our hopes were based on no substantial foundation, but inasmuch as we did expect a decided change for the better in this respect, we are obliged to confess that the commission form of government has been a disappointment.

It is perhaps worthy of remark that, though women vote in Colorado, and though they cast half of the votes in Colorado Springs, so far, not a single woman has offered herself as a candidate for mayor or for commissioner.

Turning now to a review of the charter provisions concentrating the power of appointment in the mayor. The pure commission government, as originating in Galveston, contemplated five independent commissioners, each supreme in his own department. The framers of the Colorado Springs charter disliked the idea of a ship with five captains, each independent of the others. They, therefore, to follow out the metaphor, attempted to have one captain and four mates, by making the mayor supreme in the matter of appointments and removals and by giving him a certain, though not very well defined, power of supervision over all the departments. The mayor with us is not a figurehead, but a very potent force. He has his own department in which he makes his own appointments without interference, and, at the same time, he has a supervisory power over all the other departments, and on him alone rests the ultimate responsibility for all appointments.

The charter provision is as follows: "He (the mayor) shall, upon the recommendation of the commissioner of the appropriate department, appoint such heads of departments, deputies and principal assistants as may be created by this charter or by ordinance. He shall, upon like recommendation, appoint all other officers in the service of the city, except day laborers . . . and no officer whose office, position or employment is created by ordinance shall hold the same for any fixed term, but shall always be subject to removal by the mayor."<sup>8</sup>

<sup>8</sup> Charter, sec. 23.

There is considerable difference of opinion between the mayor and the commissioners as to whether the word "shall" should be construed to be mandatory or permissive—whether the mayor must appoint the nominee of the commissioner, or whether he may appoint or may reject. But, so far, the mayor has succeeded in sustaining his view that he has full discretion in the matter of appointment, subject always to the limitation that he cannot appoint any one but a nominee of the appropriate commissioner. That such a system, however desirable theoretically, should give rise to friction is inevitable. The commissioners are elected by the people in the same way that the mayor is. He holds his authority from the people, and so do they. In council, they have as large authority as the mayor, and the mayor has the same power as they. But yet, when the commissioner of public safety desires to appoint a policeman, he must first obtain the mayor's assent. The commissioner naturally does not like such a restriction, and this system has a tendency to induce the commissioners to blame the mayor, when any appointee is not satisfactory. So, too, as the commissioner cannot remove, he is inclined to believe that he, holding his office from the people, and responsible in their eyes for the administration of his department, is unduly and unfairly hampered in the administration of his department. On the other hand, the mayor is sometimes placed in an awkward situation. If he interferes in a department, he is blamed for meddling. If he does not take action, he is chided for inefficiency or for lack of back-bone.

One of the chief objects of the charter is to fix responsibility, so that the citizens may readily place the blame for unsatisfactory conditions. Yet it may be doubted whether this dual system of appointment does not tend to defeat this object. In the first place, there has unquestionably been some "trading" between the mayor and the commissioners. In order to secure the appointment of his nominee to a certain position, the commissioner has, more than once, allowed the mayor a free hand to appoint to another position in that department. Thus, in three of the four departments entrusted to the commissioners, the mayor has to-day at least one man who is his personal representative. In one case, at least, the mayor's man is inefficient. Yet the commissioner, for the sake of harmony, makes no move to have the incumbent ousted. He probably feels, and not without reason, that there would be retaliation. In such a

case, the mayor clearly has the whip-hand. In the second place, the question constantly arises as to who is responsible for the retention of an employee. If the commissioner requests the mayor to remove an incumbent, and the mayor refuses, the commissioner is obviously left in an awkward situation. He is compelled to work with a man whom he dislikes, and who is in a hostile attitude toward him.

Recently the commissioner of public safety asked for the resignation of the chief of police. The mayor intimated that, upon formal demand, he would consider the removal of the chief. The matter was allowed to drop there. Now the commissioner, in that case, may have acted solely from political motives, with the idea that, by seeming to make the mayor the sponsor for the chief, he himself would escape all responsibility for inefficiency in his department. The mayor, on his side, may have felt that the request was not made in good faith, though he may have been perfectly willing to make the removal, if the commissioner insisted. Whatever may have been the secret motives actuating these two officials, the result is that the question of responsibility for retaining the chief cannot definitely be laid on the shoulders of any one man. The commissioner has not pressed for removal, the mayor has not refused to remove. I do not cite these instances as being fatal to the plan adopted by the charter. I regard them merely as illustrations of the impossibility of framing any scheme of government which is perfectly satisfactory. On the whole, I incline to the belief that these provisions of the charter have so far worked pretty well.

That the charter has not worked, in respect to appointments, in accordance with the expectations of its framers, is not open to dispute. The system they planned is inherently defective because of the human equation. A mayor and four commissioners who had no human nature in their composition could work together smoothly. But ordinary mortals are bound to come into collision when the assent of two men is necessary before an appointment to office can take effect. This provision of the charter contains the germ of much greater mischief than has yet arisen. This defect, if one it be, is inherent. I cannot believe that the Galveston plan of having five independent commissioners is desirable. The Colorado Springs plan would seem to be preferable.

Turning now to another defect, the problem, which perhaps caused the framers of the charter the greatest difficulty, was the

question of compensation for the mayor and the commissioners. They finally fixed the annual salary of the mayor at \$3,600 and of the commissioners at \$2,000 each. Three hundred dollars a month is clearly not an exorbitant salary for the head of a city of thirty thousand. Whether even five hundred dollars a month would attract men of ability is doubtful. Probably the salary fixed by the charter is sufficient for the kind of men who would assume the duties of the office. But when consideration is given to the annual salary of \$2,000 for each commissioner, it becomes apparent that there is both over-payment and under-payment. The duties of the commissioner of public works, which include the care of the streets, are such that he must give all his time to the city. The work of the commissioners of finance and of public health is so very light that an hour a day, outside of council meetings, would be ample to keep those departments in good shape. It is unfair to give the same compensation to each commissioner, for the only one who is debarred, owing to the exacting nature of his duties, from continuing his private business is the commissioner of public works.

As a matter of fact, two of the commissionerships are superfluous. Three men could manage the affairs of this city to better advantage than five. It would be true economy to place the mayor at the head of the finance department, and to combine health with public safety. The salaries of the mayor and the two commissioners could be increased a thousand dollars each, and they would earn it. As it is now, three of the commissioners have very little to do, and are greatly overpaid. When it is recalled that the mayor makes the preliminary budget, which is considerably under half a million, it will readily be seen how useless is the position of commissioner of finance. So, too, of the commissioner of public health. The medical officer, termed the city physician, does all the work. This unnecessary multiplication of elective officials is a serious defect in the charter.

One of the chief arguments advanced in favor of commission government is its supposed economy and efficiency. I believe that it does tend to efficiency, but we have not found it any more economical. Possibly there has always been "graft" in this city, but it was "petty graft." With a budget of only \$400,000 annually, there is not a great deal of opportunity for pilfering. No reasonable man had a right to expect any great saving in the cost of operation—



and there has been none. But there is cause for disappointment in the fact that the administration has not been more effective in the general management of the city's business, and the most inefficient branch of the public service is what it always is in American cities—the police. The problem of an efficient police department seems insoluble.

My observations lead me to believe that the commission plan is not the final solution of the great problem of municipal government. The commission plan is a long step in advance over the old plan, but it is only a step, and not the goal. We must take a further step. We must abandon the idea that because a man is a successful lawyer, or merchant, he will therefore make a successful municipal administrator. No banker would imagine that because he had succeeded in managing a bank he was fitted to conduct a railway. And yet, when we elect a grocer to manage a city government—of which he probably knows absolutely nothing—we wonder what is wrong with our charter. Municipal administration is a science, requiring experience, and knowledge, and managerial ability, far above that required for an ordinary business. It is perfectly true that not one man in a thousand leaves the mayoralty with as high a reputation as he had in his own business. Under the white light of publicity, he has proved deficient in some essential quality. But we blithely run after some new god, only to find that he, too, proves to have clay feet.

The next step in municipal government, in my opinion, perhaps the true solution, is to develop trained municipal administrators. One plan, already in operation, I believe, in one or two cities, is to elect a city council from the citizens. The members of the council should hold the purse strings, and be the legislative body, but should have no executive duties. The council elects a manager, who has the same control over the administrative side of the government that a manager of a railway has over that side of the railway. He should, of course, be a trained man. If the profession of city administrator were to be developed with us, as it is for instance in Germany, in the course of time a body of experts would arise who would know the science of municipal management. But until we entirely rid ourselves of the prevailing superstition that almost any amateur is constitutionally fitted to conduct that most intricate of all businesses—the city business—and that he is particularly capable

if he has not been especially successful in his private business, it will be vain to search for the panacea, even with a lighted lantern, in this system of government or in that. All will be as sounding brass. Our city schools are managed by an expert educator, called here from the East, and selected from many candidates, because the school board considered this particular gentleman the best fitted for the position of superintendent. Somehow, we do not think that the most successful merchant in town would make an equal success as the head of the public schools. But, of course, it would be a simple task for him to manage a city, including the fire and the police departments, the streets, the public health, the finances, and a few thousand other details of like minor importance.

Let us forthwith rid ourselves of the notion that the machinery of municipal government is the chief defect in our cities. Improve the machinery to your heart's content, but do not forget that it is the man with his hand on the lever who sets your machinery going, and keeps it running. Do not expect your delicate machinery to work smoothly when the engineer never laid eyes on it before the unlucky day that you, by your vote, pitched him from the blessed obscurity of private life, into the cab, and told him that you would recall him even before he reached the end of his short run, if he did not show instantly all the knowledge and qualifications that it would take years of training in public office for him to acquire.

The Colorado Springs form of commission government is perfectly workable. Our officials are honest and conscientious. But the citizens generally feel that the charter has not been of very great benefit. They are disappointed, without knowing exactly why. In the first place, we foolishly expected that the written word would of itself bring the millenium. In the second place, we threw the administration wide open to untrained men. The all-pervading defect in the charter is its entire failure to recognize the fact that the ordinary citizen, called from his vocation on a minute's notice, is as absolutely incapable of administering the affairs of the city as he would be of acting as city attorney, without legal training.

When this all-important truth at last permeates our minds, then, and only then, can we reasonably expect city government to be as efficient and economical as the electric company which furnishes light and power to the citizens.